

Order

**Michigan Supreme Court
Lansing, Michigan**

September 28, 2007

Clifford W. Taylor,
Chief Justice

Rehearing No. 539

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

131517

IN RE CERTIFIED QUESTION FROM
THE FOURTEENTH COURT OF
APPEALS DISTRICT OF TEXAS,

GLENN MILLER, ESTATE OF CAROLYN
MILLER, SHAWN DEAN, JOHN ROLAND,
and ALMA ROLAND,
Plaintiffs,

v

FORD MOTOR COMPANY,
Defendant.

SC: 131517
CA-14: 14-05-00026-CV
239th DC: 15077*JG01

In this cause, a motion for rehearing is considered, and it is DENIED.

CAVANAGH and KELLY, JJ., would grant rehearing.

WEAVER, J., dissents and states as follows:

I dissent from this Court's decision to deny plaintiff's motion for reconsideration. I would grant the motion for reconsideration and vacate the Court's decision answering a certified question from the Fourteenth District Court of Appeals of Texas.

This Court's decision to answer the certified question in this case should be vacated because MCR 7.305(B), the Michigan court rule allowing the Court to answer certified questions from other courts, goes beyond this court's constitutional authority to

answer certified questions.¹ Further, the majority's decision to answer the certified question in this case is unprecedented and unnecessary.²

¹ See *In re Certified Question (Miller v Ford Motor Co)*, 479 Mich 498, 548 (2007) (Weaver, J., dissenting); see also *Proposed Amendment of MCR 7.305*, 462 Mich 1208 (2000) (Weaver, J., dissenting); *In re Certified Question (Wayne Co v Philip Morris Inc)*, 622 NW2d 518 (Mich, 2001) (Weaver, J., dissenting); *In re Certified Question (Kenneth Henes Special Projects Procurement, Marketing & Consulting Corp v Continental Biomass Industries, Inc)*, 468 Mich 109, 134 (2003) (Weaver, J., concurring in the result only); *In re Certified Questions (Melson v Prime Ins Syndicate, Inc)*, 472 Mich 1225 (2005) (Weaver, J., concurring); *In re Certified Question (Bankey v Storer Broadcasting Co)*, 432 Mich 438, 467-471 (1989) (opinion by Levin, J.).

² See *In re Certified Question (Miller v Ford Motor Co)*, *supra* at 553 (2007) (Weaver, J., dissenting); see also Berg, *Cherry picking: In deciding a certified question from Texas, the MSC took the law it liked, and left the rest*, Michigan Lawyers Weekly, August 20, 2007, p 1 ; 21 Mich L W 1129;

<http://www.milawyersweekly.com/subscriber/archives_FTS.cfm?page=mi/07/8200770.htm&recID=414432&QueryText=asbestos>(accessed September 17, 2007).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2007

Corbin R. Davis

Clerk